PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Chunqiang Tang**

Application No.: 10/705,932

Filing Date: **November 13, 2003**

Confirmation No.: 6564

Examiner: Michael J. Hicks

Group Art Unit: 2165

Title: **SAMPLE-DIRECTED SEARCHING IN A PEER-TO-PEER SYSTEM**

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on ___March 13, 2009___ .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,

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PATENT

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REPLY BRIEF - PATENTS

Sir:

The Appellant respectfully submit this Reply Brief in response to the Examiner's Answer

mailed on March 13, 2009, and thus this Reply Brief is timely filed within two months of the

Examiner's Answer.

TABLE OF CONTENTS

I. Status of Claims

Claims 1-4, 6-22 and 24 are pending in the present application of which claims 1, 14, 18, and 22 are independent. Claims 5 and 23 were canceled. All pending claims 1-4, 6-22 and 24 are rejected. All pending claims 1-4, 6-22 and 24 are hereby appealed.

II. Grounds of Rejection to be Reviewed on Appeal

Whether claims 1-4, 6-22, and 24 were properly rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,039,634 to Xu et al. ("Xu").

III.   Argument

Claims 1-4, 6-22, and 24

The grounds of rejection for claims 1-4, 6-22, and 24 stated in the Examiner's Answer

are the same as the grounds of rejections for the same claims stated in the Final Office Action

mailed September 3, 2008. Thus, Appellant respectfully submits that the rejection of claims 1-4,

6-22, and 24 should be reversed for at least the same reasons stated in the Appeal Brief filed on

December 3, 2008. Further, this rejection should be reversed for at least the following additional

reasons.

Briefly, claim 1 recites a method for identifying samples to determine search results for a

query in a peer-to-peer system, the method comprising, *inter alia*:

> receiving a query at a destination node;
>
> **receiving samples from a first set of nodes** proximally located to
> the destination node in an overlay network for the peer-to-peer system, the
> samples associated with information stored at the proximally located
> nodes;
>
> identifying and selecting, based on the **samples received from the**
> **first set of nodes,** a first node of the first set of nodes likely storing
> information associated with objects stored in the peer-to-peer system that
> are relevant to the query to determine search results for the query . . ..

Xu fails to teach the foregoing features of claim 1 for at least the following reasons.

First, the Examiner's Answer at page 9 quotes the following portion of Xu as showing the

above-discussed features of claim 1.

By using a semantic vector to derive a location in the peer search network for storing a key pair, key pairs having similar information are stored in close proximity (e.g., within a limited number of routing hops). Therefore, instead of flooding a query to an entire peer-to-peer network, a limited number of nodes in close proximity in the peer search network may be searched to determine the results of a query.

See Xu at column 4, lines 23-30. The Office Action at page 9 corresponds semantic vectors of Xu to samples. However, the quoted portion of Xu fails to teach that the semantic vectors of Xu are received from a set of nodes proximally located to a destination node that receives a query. While the semantic vectors of Xu are generated, there is no disclosure in Xu that they are received from nodes proximally located to a destination node that receives a query. Thus, Xu fails to teach receiving samples from a first set of nodes proximally located to a destination node that receives a query, as discussed for claim 1.

Second, the Examiner's Answer at page 10 asserts that a selection of a first node in Xu does not "preclude additional nodes being selected, and therefore does not disqualify the use of a radius based on a semantic vector similarity threshold as disclosing the limitation of selecting a first node (e.g., in the radius based query flooding model of Xu, a first node, as well as several other additional nodes within the radius are selected.)" However, an argument that Xu does not preclude a disclosure of or is not disqualified from disclosing a claimed feature does not establish that the claimed feature is reasonably disclosed.

Third, the Examiner's Answer at page 10 quotes the following portion of Xu as showing the above-discussed features of claim 1. "For example, a document or information regarding the

document is to be stored in the peer-to-peer network. A semantic vector is generated for the document." Xu at column 3, lines 39-41. The Examiner's Answer at page 10 asserts that the foregoing portion of Xu indicates that the semantic vectors are generated and stored at nodes in which the documents reside. However, such a semantic vector storage at nodes does not teach that the semantic vectors are received from nodes proximally located to a destination node that receives a query. Thus, Xu fails to teach receiving samples from a first set of nodes proximally located to a destination node that receives a query, as discussed for claim 1.

Fourth, the Examiner's Answer at page 11 quotes the following portion of Xu as showing the above-discussed features of claim 1. "That is the key pair is routed to the node owner of the zone of where the identified point falls in the overlay network. Indices including key pairs may then be formed at a node or around nearby neighboring nodes. These indices may be searched in response to a query." Xu at column 4, lines 18-22. However, such a search of indices at a node or around nearby neighboring nodes does not teach that indices are received from nodes proximally located to a destination node that receives a query. Thus, Xu fails to teach receiving samples from a first set of nodes proximally located to a destination node that receives a query, as discussed for claim 1.

For at least the foregoing reasons, Xu fails to teach the above-discussed features of independent claim 1 and its dependent claims. It is respectfully submitted that the rejection of claim 1 and its dependent claims under 35 U.S.C. §102(e) as being anticipated by Xu should be reversed.

IV. Conclusion

For at least the reasons given above, the rejection of claims 1-4, 6-22, and 24 described above is improper. Accordingly, it is respectfully requested that such rejection by the Examiner be reversed and these claims be allowed.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 14, 2009   By

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